

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-03-0462 FCD DAD P

vs.

TAVARES LEE BLACKMON,

Movant.

ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate and set aside his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On July 7, 2005, the magistrate judge filed findings and recommendations herein which were served on movant and which contained notice to movant that any objections to the findings and recommendations were to be filed within twenty days. Movant has filed a document styled "Petition to Dismiss [U.S. Magistrate Judge] Dale A. Drozd's Summary Judgment Because It Fails to State a Claim Upon Which Relief Can Be Granted; Petition for Summary Judgment and Immediate Release." The document will be construed as movant's objections to the findings and recommendations.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
2 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
3 file, the court finds the findings and recommendations to be supported by the record and by
4 proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed July 7, 2005 are adopted in full;
- 7 2. Movant's June 3, 2005 motion pursuant to § 2255 to vacate, set aside or
8 correct sentence is summarily dismissed;
- 9 3. Movant's July 19, 2005 petition for summary judgment and immediate release
10 is denied; and
- 11 4. The Clerk of the Court is directed to close the companion civil case No. CIV
12 S-05-1106 FCD DAD.

13 DATED: July 29, 2005

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15 /s/ Frank C. Damrell Jr.
16 FRANK C. DAMRELL JR.
17 United States District Judge
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